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PATENT
Attorney Docket No. 62308-0110

APPROVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
David J. KYLE)
Serial. No.: 08/358,474)
Filed: December 19, 1994)
Title: MICROBIAL OIL MIXTURES AND)
USES THEREOF)

Group Art Unit: 1205

Examiner: K. Jordan

BOX AF

D.T.D.

Sellen
4/22/96

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SUBMISSION OF TERMINAL DISCLAIMER

MATRIX CUSTOMER
SERVICE CENTER

Assistant Commissioner of Patents
U.S. Patent and Trademark Office
Washington, DC 20231

Sir:

In partial response to the Office Action dated March 14, 1996, in the above-identified application, Applicant submits herewith a Terminal Disclaimer under 37 C.F.R. § 1.321. A check for the small entity fee of \$55 for filing a terminal disclaimer is enclosed. Should it be determined that any additional fees are required, the Commissioner is authorized to charge such fees to deposit account number 02-0375.

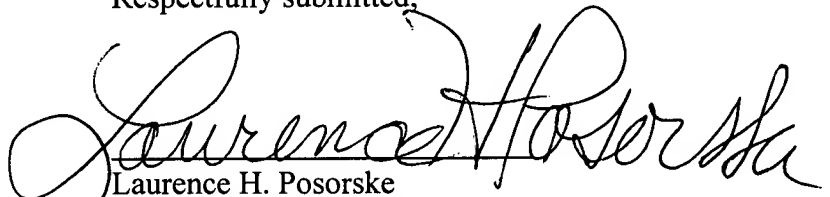
REMARKS

Pending claims 21-24, 36-39, 67-74, and 77-82 stand rejected under the judicially-created doctrine of obviousness-type double patenting as unpatentable over claims 1-10 and 20-22 of U.S. Patent No. 5,374,657. While Applicant does not concede that all of the rejected claims are obvious over claims 1-10 and 20-22 of U.S. Patent No. 5,374,657, a terminal disclaimer disclaiming

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any portion of a patent granted on the present application which would extend beyond the statutory expiration date of U.S. Patent No. 5,374,657, is submitted herewith in order to facilitate prosecution of the present application, and Applicant submits that the double-patenting rejection is overcome by the Terminal Disclaimer enclosed with this Amendment. Applicant respectfully requests that, in view of the attached Terminal Disclaimer, the rejection under the judicially-created doctrine of obviousness-type double patenting be withdrawn.

Respectfully submitted,



Laurence H. Posorske
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Date: April 12, 1996

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